



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,348	05/25/2000	Christopher E. Pearce	062891.0405	7459

5073 7590 12/21/2006  
BAKER BOTTS L.L.P.  
2001 ROSS AVENUE  
SUITE 600  
DALLAS, TX 75201-2980

EXAMINER
----------

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
----------	--------------

2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

2

<b>Office Action Summary</b>	Application No. 09/579,348	Applicant(s) PEARCE ET AL.	
	Examiner Hanh Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/7/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed on 10/16/06 have been fully considered but they are not persuasive.

Refer to claims 1, 15, 38 and 46, applicant argues that Kung et al. (US pat. No. 6,671,262 B1) does not disclose a change in a control status of a device or communicating status information from the first call manager to the second call manager in response to receiving the change. Applicant is directed to Kung et al. as follow:

Examiner considers “ a change in the control status of a device” as “ a change in an existing conference call when a new call requests to join into the existing conference call”, the call managers 218 which functions are to provide call state changes, changes in the status of lines and trunks and error condition ( see col.10, lines 10-25), call set up and teardown ( col.9, line 40-45), communicate with each other to provide necessary resources to support the conference. Kung et al. discloses, in fig.1, a plurality of IP central station 200. Each Ip central station 200 includes, in Fig.2, a call manger 218 which coupled to IP network 120 (see col.5, lines 30-45 and col.6, line 63 to col.7, line 1; a first call manager and a second call manager in a packet based network).The call manager stores list of subscribers, verifies identity of the calling subscribers and authenticates whether a call is authorized (storing registration information associated with devices). See col.10, lines 25-35 and lines 55-65. One of functions of the call manager 218 is to provide call state changes, changes in the status of lines and trunks and error condition ( see col.10, lines 10-25); and supports call setup and teardown ( col.9, lines 40-45). Refer to Fig.13, in response to receiving a call joining into an existing conference, the call manager 218 ( first

call manager at step 1301) communicates with other call managers 218 (step 1315) to provide resource for the new call (col.36, lines 15-20&lines 40-65; communicating status information from a first call manager to a second call manager in response to a change in the control status of a device).

Claims 8-14 are mood in view of new art.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2-7, 9, 15-28, 38-45 and 46-53 are rejected under 35 USC 102(e) as being anticipated by Kung et al. (US pat. No. 6,671,262 B1).

In claims 1, 15, 38 and 46, Examiner considers “ a change in the control status of a device” as “ when a new call requests to join into an existing conference call, the call managers

Art Unit: 2616

218 which functions are to provide call state changes, changes in the status of lines and trunks and error condition ( see col.10, lines 10-25), communicate each other ”. Kung et al. discloses, in fig. 1, a plurality of IP central station 200. Each Ip central station 200 includes, in Fig.2, a call manger 218 which coupled to IP network 120 (see col.5, lines 30-45 and col.6, line 63 to col.7, line 1; a first call manager and a second call manager in a packet based network).The call manager stores list of subscribers, verifies identity of the calling subscribers and authenticates whether a call is authorized (storing registration information associated with devices). See col.10, lines 25-35 and lines 55-65. One of functions of the call manager 218 is to provide call state changes, changes in the status of lines and trunks and error condition ( see col.10, lines 10-25); and supports call setup and teardown ( col.9, lines 40-45. Refer to Fig.13, in response to receiving a call joining into an existing conference, the call manager 218 ( first call manager at step 1301) communicates with other call managers 218 (step 1315) to provide resource for the new call (col.36, lines 15-20&lines 40-65; communicating status information from a first call manager to a second call manager in response to a change in the control status of a device). Therefore, At step 1327, the new call manager updates the new calling subscriber to the conference call (updating registration information by the second call manager in response to receiving the status information). See col.36, lines 15-60.

Claims 2-7, 9, 16-28, 39-45 and 47-53 depend on claims 1, 15, 38 and 46. Therefore, they are rejected under claims 1, 15, 38 and 46 as well.

***Claim Rejections - 35 USC § 103***

Art Unit: 2616

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10-13, 14 are rejected under 35 USC 103(a) as being unpatentable over Korpi et al. (US pat. No. 6,785,223 B1) in view of Dalgic et al. (US Pat. No. 6,925,076 B1).

In claims 8, 10 and 14, Korpi et al. discloses a method for device registration replication (See fig.4), comprising: providing a plurality of call managers in a packet-based network (see fig.1; gatekeepers 104a (first call manager) and 106a (second call manager) in packet network 101a), each call manager controlling one or more devices coupled to the packet-based network and storing composite registration information associated with the devices (see col.5, lines 47-52; fig.4, step 402; client 1 registers with gatekeeper 1); determining that a first call manager has gone off-line (see fig.4, steps 412, 416, col.6, lines 30-45; gatekeeper 1 is detected as "down"). Korpi et al. does not disclose deleting registration information associated with the first call manager from the composite registration information stored by a second call manager. Dalgic et al. discloses in the related art, col.1, lines 65-67, that if a gatekeeper fails, all of the information about calls in the gatekeeper are lost. This concept is well-known. However, to address the claimed limitation, Dalgic et al. further discloses, in fig.1, col.2, lines 50-60, if the gate controller 104 (call manager) fails, a secondary gate controller 118 (a second call manager) send message to edge router 120 to update the call state information. Updating the call state information made by the secondary gate controller implies that call state information associated with the failed gate controller does not exist anymore and deleted. Therefore, it would have been

obvious to one ordinary skill in the art to apply the taught feature of Dalgic into Korpi in order to continue calls when a gate controller fails. The motivation is help secondary gate controller monitor status of other gate controller to determine any interruption and update the network.

Claims 11-13 depend on claim 10. Therefore, they are rejected under claim 10 as well.

Claim 29-37 are rejected under 35 USC 103(a) as being unpatentable over Banks et al. (US Pat. No. 6,760,416 B1) in view of Kung et al. (US pat. No. 6,671,262 B1).

In claim 29, Banks et al. discloses, in Fig.6A, a connectivity manager 21 comprising a protocol stack 68 for controlling communication setup between end systems A, B and monitoring data transfer (one or more devices processes controlling devices coupled to packet based network). See col.10, lines 5-10. A data base 204 ( a digit analysis module) stores subscribers records 63 including telephone number, address of subscribers (storing registration information associated with devices). See col.9, lines 30-55. Banks et al. does not disclose a second call manager receives status information from the digit analysis module from the first call manager in response to a change of a device. Kung et al. ('262) discloses a communication between call managers 218 in response to a new call wishing to participate the conference ( see Fig.13, step 1317). Therefore, it would have been obvious to one ordinary skill in the art to add a second call manager into Banks et al. to update registration information of devices in response to a new device connecting into the network. .

Claims 30-37 depend on claim 29. Therefore, they are rejected under claim 29 as well.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jesurum et al. (US pat. No. 5,430,792) discloses Automated telephone Calling System.

Sato et al. (US Pat. No. 6,718,482 B2) discloses Fault Monitoring System.


Falls et al. (US pat. No. 5,950,198) discloses Processes and Apparatuses for Generating Correspondency through Replication and Synchronization between Target and source computer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 703 306-5445. The examiner can normally be reached on Monday-Friday from 8AM to 4:30PM. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Field , can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571 272 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



**HANH NGUYEN**  
**PRIMARY EXAMINER**